



# *The Commonwealth of Massachusetts*

## *Executive Office of Environmental Affairs*

*251 Causeway Street, Suite 900*

*Boston, MA 02114-2119*

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

ELLEN ROY HERZFELDER  
SECRETARY

February 7, 2003

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Chestnut Hill Square  
PROJECT MUNICIPALITY : 200 Boylston Street (Route 9) - Newton  
PROJECT WATERSHED : Charles River  
EOEA NUMBER : 12928  
PROJECT PROPONENT : New England Development  
DATE NOTICED IN MONITOR : December 11, 2002

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Sections 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the proposed project consists of the construction of approximately 900,000 square feet (sf) of mixed-use space. The project will include 330,000 sf of residential space (330 apartments), a 200,000 sf hotel with 187 rooms, a 200,000 sf general office building, and 170,000 sf of retail space (including a 40,000 sf supermarket) with parking for 1,201 vehicles. The 10.31-acre site contains about 152,203 sf of commercial, office, supermarket, and residential uses (with 492 parking spaces) that will be demolished.

This project is subject to a mandatory EIR pursuant to Section 11.03(6)(a)(6) because it generates 3,000 or more new average daily vehicle trips. It will require an Access Permit from the Massachusetts Highway Department (MHD). The project may need a Construction Dewatering Permit, a Fossil Fuel Utilization Permit, and a Major Sewer Connection Permit from the Department of Environmental Protection (DEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. MEPA jurisdiction extends to land alteration, traffic, air quality, and wastewater issues that may have significant environmental impacts.

Access to the project will be provided from Route 9 for one-way entry at the Capital Grill driveway with traffic lights allowing left turns from Route 9 Westbound. A one-way in and out main driveway would also be provided onto Route 9. On Florence Street the proponent is proposing three full service driveways and an in and out driveway from the apartments. Using the Institute of Traffic Engineers' Trip Generation land use codes (220, 310, 710, and 820), the project is estimated to generate approximately 13,200 average daily vehicle trips with about 9,600 new trips. The existing development at the site is estimated to generate about 3,600 daily vehicle trips.

The proposed project will be connected to existing municipal water and sewer service. It will consume about 170,000 gallons per day (gpd) of water and will generate about 152,500 gpd of wastewater flow.

#### SCOPE

The EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. The EIR should address the comments listed at the end of this Certificate to the extent that they are within this scope, and it should include a copy of this Certificate.

#### **Project Description:**

The EIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed site plans. The EIR should identify and describe any project phasing.

#### **Alternatives Analysis:**

In addition to the No-Build Alternative and the Preferred Alternative, the EIR should discuss alternative building configurations on the site that might result in fewer impacts, particularly on traffic and parking. The EIR should summarize the alternatives already developed for the project site, and an alternative showing the buildable bulk and density under the existing zoning provisions without zoning relief. The analysis should clearly present the alternative driveway configurations at the site and identify the advantages and disadvantages of the Preferred Alternative. The EIR should describe how the proponent would limit trips onto Florence Street in order to reduce impacts to residential streets. It should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives.

**Traffic:**

Because the project has the potential to generate an additional 9,600 daily vehicle trips in a congested regional shopping area, and because these daily vehicle trips might cause traffic impacts to Route 9 and residential streets, the EIR should be prepared in conformance with the EOEa/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. The proponent should utilize and build on the other traffic analyses that have been completed for this area. It should identify appropriate mitigation measures for areas where the project will have a direct impact on traffic operations. The proponent should analyze impacts on the level of service (LOS) at the following intersections:

- Capital Grill Drive/Route 9 Eastbound (EB);
- Capital Grill Drive/Route 9 Westbound (WB) (Proposed);
- Main Driveway/Route 9;
- Capital Grill Drive/Florence Street;
- Hotel/Retail Drive/Florence Street;
- Residence Drive/Florence Street;
- Retail/Office Drive/Florence Street;
- Florence Street/Louise Road;
- Florence Street/Hammond Pond Parkway/Heath Street;
- Heath Street/Hammond Street;
- Hammond Pond Parkway Circle/Hammond Street/Newton Street/LaGrange Street;
- Hammond Street/Route 9;
- Route 9 WB/Chestnut Hill Mall Driveway;
- Route 9 EB/Florence Street;
- Route 9 EB & WB/Hammond Pond Parkway Interchange;
- Hammond Pond Parkway/Beacon Street;
- Route 9 WB/Jackson Street;
- Route 9 EB/Langley Road;
- Langley Road/Jackson Street;
- Route 9 EB/Dudley Road;
- Route 9 WB/Dudley Road; and
- Route 9 EB & WB/Parker Street.

The LOS analysis in the Traffic Study should include both a.m. and p.m. peak weekday hours, Saturdays, volume to capacity ratios, a traffic distribution map, and background growth from other proposed developments in the area for 2008.

The Traffic Study should evaluate alternatives for the project driveways onto Route 9 and Florence Street. It should examine present and future build and no-build traffic volumes for all impacted roadways and intersections. The proponent should identify the Land Use Codes (LUC) used and how its trip generation estimates have been generated. The EIR should summarize the recommendations of the Route 9 Corridor Study for this area, and describe how this proposed project's traffic improvements would be coordinated with this study. The proponent should consult with the Central Transportation Planning Staff regarding its recommended improvements along Route 9.

Any plans for the major reconstruction of the roadways in the study area should be discussed in the EIR. The EIR should identify the right-of-way (ROW) width for Route 9, and it should determine if sufficient width is available for any proposed improvements along Route 9. The Hammond Pond Parkway is considered part of Historic Parkways Initiative, and any proposed roadway improvements would need to consider the historic character of the parkway. Any widening of parkway intersections beyond the roadway ROW into parkland areas may trigger the Executive Office of Environmental Affairs' (EOEA) Article 97 Land Disposition Policy. The EIR should identify the proponent's coordination efforts with the MHD, the Metropolitan District Commission (MDC), and Newton and Brookline officials to address traffic concerns within this area.

The EIR should examine signage on Routes 9 and the Hammond Pond Parkway to ensure that the traffic routes are clearly marked to the project site. It should discuss the Chestnut Hill Mall, the Atrium Mall, the Chestnut Hill Shopping Center, and other retailers' ongoing efforts to coordinate traffic, transit, and parking in this regional shopping area, and how this project will relate to this ongoing effort. The proponent should also examine the feasibility of restricting truck access to the project site to Route 9 only to reduce residential impacts.

**Parking:**

Parking at the site will include about 1,201 spaces in parking garages and surface parking areas. The EIR should provide a breakdown of parking needs by land use category/use, time of day, and shopper/employee/hotel patron category to demonstrate the need for the proposed 1,201 spaces. The parking needs assessment should take into account the turnover rates for shoppers, employees, and hotel guests, the parking supply and demand in the area, and any proposed parking fees. The EIR should describe how the number of parking spaces needed was determined. If parking supply is greater than the amount required by local

zoning, the EIR should explain why, discuss the impacts of excess parking upon the proposed Transportation Demand Management (TDM) program, and propose an alternative with fewer spaces. Parking demand management should be a key component of the overall mitigation analysis.

**Transit:**

The EIR should identify MBTA bus routes and stops, Green Line Stations (Chestnut Hill Station), and private shuttle bus routes in the area. It should discuss any proposed improvements to public transportation which should be part of the proponent's Transportation Demand Management (TDM) program

**Pedestrian and Bicycle Facilities:**

The EIR should identify the proposed bicycle facility improvements included with this project. It should state the number of bicycle parking stands and their location. The EIR should discuss and show existing and proposed pedestrian connections, which could connect the project site to the Chestnut Hill Mall and other shopping areas. It should show where sidewalks and other pedestrian facilities (including traffic calming) are located, especially in parking areas.

**Air Quality:**

An air quality mesoscale analysis for ozone will be needed for this project to assess the total volatile organic compound (VOC) and nitrogen oxide (NOx) emissions associated with all project-related vehicle trips and to demonstrate that VOC/NOx emissions associated with the preferred alternative are less than those from the no-build case in the short- and long-term. If VOC/NOx emissions from the preferred alternative are greater than the no-build case, reasonable and feasible VOC/NOx reduction/mitigation measures should be included. The proponent should consult DEP's "Guidelines for Performing Mesoscale Analysis of Indirect Sources" and with DEP to determine the appropriate study area. This section of the EIR should discuss opportunities to enhance pedestrian, bicycle, and transit modes to reduce the air quality impacts of the proposed project.

The EIR should address whether the project will comply with DEP's Clean Air Construction Initiative.

**Drainage:**

The EIR should present drainage calculations and detailed plans for the management of stormwater from the proposed project.

It should include a detailed description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The EIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for the 10, 25 and 100-year storm events. If the proponent ties into the existing municipal stormwater system, the EIR should clarify the permits required and if there will be a recharge deficit on-site. The EIR should indicate and discuss where the municipal drainage system discharges in this area. It should also demonstrate that the proposed drainage system would control storm flows at existing levels.

The EIR should address the performance standards of DEP's Stormwater Management Policy. It should demonstrate that the design of the drainage system is consistent with this policy, or in the alternative, why the proponent is proposing a drainage system design not recommended by DEP. The proponent should use the DEP Stormwater Management Handbook when addressing this issue.

A maintenance program for the drainage system will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

**Drinking Water:**

The EIR should explain any impacts from the project on drinking water supply. It should propose mitigation as appropriate. The EIR should address concerns regarding sufficient water pressure in this area of Newton.

**Wastewater:**

The EIR should outline the proponent's efforts to reduce water consumption and thereby reduce wastewater generation. It should identify any capacity deficiencies within the municipal wastewater system to handle the project's additional wastewater flows. The EIR should state any Inflow/Infiltration (I/I) measures that the proponent would undertake as part of the project. In its comment letter, DEP is recommending an I/I removal ratio of 4:1 or 566,000 gpd of I/I removal.

**Hazardous Wastes:**

The EIR should present a summary of the results of hazardous waste studies and remediation efforts undertaken at the site by the proponent to comply with the Massachusetts Contingency Plan, 310 CMR 40.0000.

**Construction:**

The EIR should present a discussion on potential construction period impacts for the project. It should include noise, dust, traffic maintenance, and blasting. The EIR should analyze feasible measures that can avoid or eliminate these impacts.

**Visual/Aesthetics:**

The EIR should discuss the aesthetics of the project, and should include a conceptual-level landscaping plan and building elevations from all sides.

**Mitigation:**

The EIR should include a separate chapter on mitigation measures. It should develop transportation and parking demand management measures to reduce single passenger automobile trips to the project and encourage ridesharing to the site through the use of preferential parking. I encourage the proponent to identify measures to increase high occupancy transit usage to the project site. This chapter on mitigation should include a Proposed Section 61 Finding for all state permits. The Proposed Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

I urge the proponent to participate in any discussions and studies which evaluate the feasibility of traffic, transit, pedestrian and bicycle improvements within this area.

**Comments:**

The EIR should respond to the comments received to the extent that the comments are within the subject matter of this scope. Each comment letter should be reprinted in the EIR. I defer to the proponent as it develops the format for this section, but the response to comments section should provide clear answers to questions raised.

**Circulation:**

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Newton and Brookline officials. A copy of the EIR should be made available for public

review at the Newton and Brookline Public Libraries.

February 7, 2003

DATE

  
Ellen Roy Herzfelder

cc: Steven G. Lipman, DEP/Boston  
John Felix, DEP/NERO  
Senator Cynthia Stone Creem  
Representative Ruth B. Balser  
Representative Michael F. Rush  
Michael Kruse, Newton Planning Director  
Robert J. Duffy, Brookline Planning Director

Comments received:

1/27/03	Patricia A. Otis - Chestnut Hill Association, Inc.
1/28/03	Michael Kruse, Director
1/28/03	Dudley B. Bonsal - CRWA
1/28/03	Marc D. Draisen - MAPC
1/28/03	Robert J. Duffy - Brookline Planning/Community Devel.
1/28/03	Gail Glaser
1/28/03	M/M Richard Schnell
1/28/03	D.B. Edinburg - Brookline Homeowners Organization
1/28/03	Edith Raskin, LICSW and Peter Chubinsky, MD
1/28/03	Rita and Norman Bartczak
1/28/03	Frederick S. Paulsen - Burns & Levinson LLP
1/28/03	R. Lisle Baker, Alderman - Ward 7
1/28/03	Paul and Diane Gomez (e-mail)
1/28/03	Davood Shahin, AIA - DSH Design Group
1/28/03	Representative Ruth B. Balser
1/28/03	Brooke K. Lipsitt, President - Board of Aldermen
1/28/03	J. Lionel Lucien, P.E. - MHD
1/28/03	Lalor Burdick
1/28/03	Patricia N. Burdick
1/28/03	Shirley and Wagner Alpert
1/28/03	Werner J. Gans
1/28/03	Mary L. Greenhood
1/28/03	Ruth K. Baden
1/28/03	Ann S. Lowell
1/28/03	Mary H. Bainbridge
1/28/03	Amy and Roger Witkin
1/28/03	Elaine Schwimmer
1/28/03	Robert P. Bainbridge
1/28/03	Morris Kirsner



. 1/28/03 Lloyd Cutler  
1/28/03 J. Mamor  
1/28/03 Representative Michael F. Rush  
1/28/03 Robert Hassinger  
1/28/03 Bernard Gnen  
1/28/03 Beverly I. Harris  
1/28/03 Gail and William Levine  
1/28/03 Newton and Willa Trevene  
1/28/03 Dr. & Mrs. Shapur Naimi  
1/28/03 Albert M. Fortier, Jr.  
1/28/03 Steven G. Lipman - DEP/Boston  
1/28/03 Jennifer Y. Grams  
1/27/03 Deirdre Mallon (e-mail)  
1/27/03 D, B. Edinburg - Brookline Homeowners Organization  
1/27/03 Judith Karelitz  
1/27/03 F. T. Shulman  
1/27/03 Gerald K. Lazar, M.D.  
1/27/03 J. Keith and Erin Spatz  
1/27/03 Shirley E. Gray  
1/27/03 Jen Cohen  
1/27/03 Imperial Towers Condominium Association (Petition)  
1/26/03 Peter Goldman  
1/27/03 Charles Knight (e-mail)  
1/27/03 Mary A. Hanley (e-mail)  
1/27/03 Wendy Goodrich  
1/27/03 Charles Blake  
1/27/03 Cheryl s. Coulte  
1/27/03 Meda Turetsky  
1/27/03 Phyllis A. Moriarty  
1/27/03 M/M Toby Hoberman  
1/27/03 Lee R. Jurman  
1/27/03 Mrs. Kimberly Smith  
1/27/03 Helen O. Braun  
1/27/03 Gail Zimmerman  
1/27/03 Marialyce Leivian  
1/27/03 Pamela J. Libby  
1/27/03 Natalie Rosengard and Morton Brenner  
1/27/03 Marian Lazar  
1/27/03 David Sandler  
1/27/03 Sandra Schawled  
1/27/03 Stacey and Dan McCarthy  
1/27/03 Samuel and Maria Itkin  
1/27/03 Robert J. Fizek  
1/27/03 Karen W. Seeche  
1/27/03 Julian J. Palmer  
1/27/03 Anne Flaherty  
1/24/03 Eva Lukoom  
1/24/03 Samuel and Maria Itkin  
1/24/03 Stella Penzer

1/24/03 David C. Harlow  
1/24/03 Eva Rosenn, Ph.D. and B.R. Hutcheson, J.D., Ph.D.  
1/24/03 Priscilla M Leith  
1/24/03 Jacqueline Jacobs, President - Imperial Towers  
Condo. Assoc.  
1/24/03 Anthony T. Andreadis, Chairman - Chestnut Hill  
Village Alliance  
1/24/03 Ruth and Victor Dzau  
1/24/03 Alan Salny  
1/24/03 M/M Theodore G. Green  
1/25/03 Hortense LaGuette  
1/24/03 Chestnut Hill Village Associates, Inc.  
1/26/03 Daniel Krasa (e-mail)  
1/26/03 Jeff Goldman  
1/26/03 Hortense LaGuette (e-mail)  
1/26/03 ruth (e-mail)  
1/27/03 Ellen Quinn (e-mail)  
1/24/03 Steven Graubard (e-mail)  
1/23/03 Ira Krepchin  
1/23/03 Janice S. Kahn  
1/23/03 Enrico Schwimmer  
1/23/03 Eve Adler  
1/23/03 Frank M. and Gladys A. Perkins  
1/23/03 Daniel and Zelda Ryter  
1/23/03 Sylvia B. and Louis Brenner, M.D.  
1/23/03 Sherry L. Mirafzali  
1/23/03 Adam Peller (e-mail)  
1/22/03 Robert Gilson  
1/22/03 Jeanine Levensan  
1/15/03 Lucie Chansky (e-mail)  
1/16/03 Seth Levenson  
1/22/03 Todd Adelman (e-mail)  
1/22/03 Susan B. Spooner  
1/22/03 Phillip Dandrea  
1/22/03 Jennifer A. Thomas  
1/22/03 Jack Bloom, DDS  
1/22/03 Richard Abrahams  
1/22/03 Ellen Di Libero  
1/22/03 Morris Gordon  
1/21/03 Dr. Ernest and Joyce Picard  
1/21/03 Sandra B. Phillips  
1/21/03 Carol Stollar M Ed. RD  
1/21/03 M/M Leonard L. Schley  
1/22/03 Stephen and Judith Bernstein  
1/21/03 Jack Gerber  
1/21/03 Bette A. Winik (e-mail)  
1/21/03 Kristina F. Johnson (e-mail)  
1/21/03 Steve and Mindy Hoberman  
1/21/03 Diane Korelitz

1/21/03 Judy and Alan Tobin  
1/22/03 Barbara B. Cartue  
1/22/03 Bambi and Michael Good  
1/13/03 Jane L. Barber  
1/15/03 Jennifer H. Butler  
1/13/03 Richard and Ronnie Klein  
1/15/03 Norman Courey  
1/15/03 Joseph S. Wallace, M.D.  
1/16/03 Ellen and Paul Shapiro  
1/17/03 Simon Laskey  
1/22/03 Max and Terry A. Vigil  
1/22/03 Barbara Sird  
1/8/03 Todd Adelman  
1/9/03 Anthony Andreadis, Chairman - Chestnut Hill  
Village Alliance  
1/3/03 Jeff Goldman  
1/7/03 J. Lionel Lucien, P.E. - MHD  
12/31/02 Marianne Connolly - MWRA  
1/14/03 Maria Termini  
1/14/03 Marcie Hershman  
1/14/03 Rhonda Linde  
1/14/03 Marjorie B. Corp  
1/14/03 Edith and Lewis Dabney  
1/14/03 Stanley Halpern  
1/14/03 Dr. Ernest and Joyce Picard  
1/15/03 Holly Burnes, RN, MS, CS  
1/10/03 Fannette Adelman  
1/10/03 Sidney L. Tamm  
1/10/03 Michael Fournier  
1/10/03 Dr. Deepika Nath  
1/10/03 Elizabeth de Sabato Swinton  
1/13/03 Richard M. Resnick  
1/13/03 David W. Haluska  
1/13/03 Carolyn Berg  
1/13/03 Dr. Leslie Burg  
1/13/03 Shirley Kolack, A Trustee of the Farm  
1/13/03 Suzette Barbier  
1/13/03 Bettejayne Lyons, Mark A. Lyons and Althea H.  
Buonato  
1/13/03 Miriam and Eliot Sagan  
1/13/03 Mary Barber  
1/13/03 The Board of Trustees - The Farm at Chestnut Hill  
1/13/03 Stephanie Kellar  
1/13/03 Ellen Chartock  
1/13/03 Lee Ann Hirsch  
1/13/03 Margaret Keyes  
1/13/03 Molly Apple Levin  
1/14/03 Louis B. Barber  
1/10/03 John H. Finley III

EOEA #12928

ENF Certificate

February 7, 2003

1/10/03	Angela Nicoletti
1/14/03	Sue Richman
1/14/03	unsigned
1/13/03	Joan S. Greenberg
1/13/03	Alice Hutter and David Fram
1/13/03	Dr. Jack N. Porter

E12935  
ERH/WTG